

Introduced by Senator Florez

February 21, 2003

An act to add Sections 1692.7, 1692.8, 1694.5, 1694.6, and 1694.7 to the Labor Code, relating to farm labor contractors.

LEGISLATIVE COUNSEL'S DIGEST

SB 800, as introduced, Florez. Farm labor contractors: toll-free number: directory.

Existing law requires farm labor contractors to be licensed by the Labor Commissioner and to comply with safety, wage, and employment laws applicable to farm labor contractors.

This bill would direct the Department of Industrial Relations to establish a toll-free number so that alleged illegal actions by the farm labor contractors can be anonymously reported.

This bill would also direct the department to create a directory, available to prospective employers, dispensing information regarding the status of any farm labor contractor's license and any violations or investigations of violations. The bill would require the department to update the directory within 48 hours of any changes in licensure status or violations. The bill would require each prospective employer of a farm labor contractor to confirm the existence of a currently valid license before entering into an agreement with a farm labor contractor, and would require that records of these confirmations be maintained.

The bill would require the department to establish an appeal process for farm labor contractor license suspensions and revocations, and would require the Labor Commissioner to provide prescribed notice of any license suspension, revocation, or reinstatement to any person having an agreement with a farm labor contractor. The bill would require the department to establish an administrative coordinating

council with prescribed membership to provide information concerning compliance by licensed farm labor contractors with payment obligations with respect to employees.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1692.7 is added to the Labor Code, to
2 read:

3 1692.7. (a) The Department of Industrial Relations shall
4 establish a hearing process for appealing the suspension or
5 revocation of a license pursuant to Section 1692. The appeal
6 hearing shall be held within 30 days of the adoption of findings by
7 the Labor Commissioner in the revocation or suspension
8 proceedings, and a decision on appeal shall be rendered within 10
9 days following that hearing. The decision on appeal shall affirm
10 or reverse the suspension or revocation and may modify the length
11 of any suspension ordered by the Labor Commissioner.

12 (b) When a decision of the Labor Commissioner to suspend or
13 revoke a license is reversed on appeal, the Labor Commissioner
14 shall immediately reinstate the license.

15 SEC. 2. Section 1692.8 is added to the Labor Code, to read:

16 1692.8. The Labor Commissioner shall provide actual notice,
17 by the most expeditious means practicable, to any person having
18 an agreement for the provision of the services of a farm labor
19 contractor of any suspension or revocation of the farm labor
20 contractor's license or of any reinstatement pursuant to Section
21 1692.7.

22 SEC. 3. Section 1694.5 is added to the Labor Code, to read:

23 1694.5. The Department of Industrial Relations shall
24 establish a bilingual toll-free number for use by farm workers,
25 farmers, contractors, and the public to anonymously report alleged
26 illegal actions taken by farm labor contractors.

27 SEC. 4. Section 1694.6 is added to the Labor Code, to read:

28 1694.6. (a) The Department of Industrial Relations shall
29 establish and maintain a directory of licensed farm labor
30 contractors, current contractor violations under investigation, and
31 previous violations by contractors. Violations shall be classified as
32 health and safety, compensation, minor and technical, and other.



(b) Information on the directory shall be made available to prospective employers as to whether the farm labor contractor is licensed and whether the farm labor contractor has any existing investigations or previous violations. Relative to licensure, the prospective employer shall be given information as to whether the contractor is licensed and the date when the license was issued. Relative to violations, the prospective employer shall be given information as to the category of violation, the year of the violation, and whether the violation was corrected, if applicable. The Department of Industrial Relations shall update the directory within 48 hours of change in licensure status, including suspension, revocation, and reinstatement, or any violations.

(c) Prospective employers of a farm labor contractor may obtain information on the directory by telephone, fax, or in person at any Office of the Department of Industrial Relations.

(d) It is the responsibility of all prospective employers of a farm labor contractor to confirm through the use of the directory, prior to entering into an agreement with the farm labor contractor, that the farm labor contractor has a currently valid license. Persons employing farm labor contractors shall maintain written records evidencing compliance with this subdivision.

SEC. 5. Section 1694.7 is added to the Labor Code, to read:
1694.7. The Department of Industrial Relations shall establish an administrative coordinating council for the purpose of providing information concerning compliance by licensees with employer payment obligations respecting employees, including, but not limited to, wages, tax withholdings, worker contributions specified in Section 1690.1, and workers' compensation insurance. It is the purpose of the coordinating council to share information respecting violations of payment obligations by farm labor contractors. The members of the coordinating council shall include, but not be limited to, the Labor Commissioner, a representative of the Employment Development Department, and a representative of the Franchise Tax Board.